

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

24

FREDERICK T. RAY, III : CIVIL ACTION  
v. :  
SGT. THOMAS A. MADONNA, et al. : NO. 04-cv-00805-JF

FREDERICK T. RAY, III : CIVIL ACTION  
v. :  
MAJOR WALTER REED, et al. : NO. 04-cv-00810-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

July 17, 2008

By Order entered September 6, 2007, I granted plaintiff a further period of 60 days within which to respond to defendant's motion for summary judgment, and listed four issues which plaintiff should address, if he wished to respond to the motion. Instead of responding to the motion for summary judgment, however, plaintiff filed a document entitled "Motion for Clarification," which suggests that my Order seemed to be inconsistent with the views of the Court of Appeals, when it remanded the case in order to afford plaintiff an opportunity to respond to the defense motions.

The Motion for Clarification will be denied, inasmuch as this Court's Order of September 6, 2007 is self-explanatory and requires no further clarification. Plaintiff will be afforded a further period of 20 days in which to respond to the

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defense motions, in accordance with my September 6, 2007 Order.  
Failure to do so will result in dismissal of these actions.

An Order follows.

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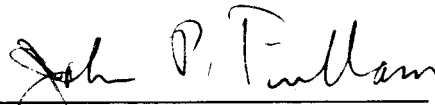
ORDER

AND NOW, this 17<sup>th</sup> day of July 2008, IT IS ORDERED:

1. Plaintiff's Motion for Clarification of this Court's Order of September 6, 2007 is DENIED.
2. Plaintiff is afforded a further period of 20 days in which to respond to the pending motions for summary judgment.
3. Unless plaintiff files such response, these actions will be dismissed with prejudice.
4. Plaintiff's motion to compel is GRANTED in part and DENIED in part. Unless they have already done so, the defendants shall, within 10 days, provide plaintiff with incident reports concerning the events referred to in plaintiff's complaint. In all other respects, the motion is DENIED.

5. Plaintiff's "Motion to Continue" is GRANTED.  
Trial will not be scheduled until this Court rules on the  
pending motions for summary judgment.

BY THE COURT:

  
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John P. Fullam, Sr. J.